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DEPARTMENT OF STATE A/CDC/MR

REVIEWED BY _____ DATE _____

RDS☐or XDS☐EXT. DATE _____
TS AUTH. _____ REASON(S) _____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☑
RELEASE DENIED
PA or FOI EXEMPTIONS _____

December 16, 1977

Dear Mr. Freitas:

~~The Secretary has asked~~ that I reply to your letter of November 25 concerning the child custody case of John Victor Stoen in Guyana.

We understand that John Stoen's mother has engaged attorneys Margaret Ryan and Jeffrey Haas to counsel her regarding court proceedings in Guyana to regain custody of her son. It is noted that Mrs. Stoen previously signed over custody of John to the religious group. Both Mr. Haas and Ms. Ryan have visited the Department of State to express their concern and to pose questions concerning the handling of a child custody court hearing in Guyana. They have been advised that the Embassy in Georgetown is prepared to offer all possible assistance to them and to Mrs. Stoen's Guyanese attorney if such assistance is required during the hearings scheduled for this month.

As you are no doubt aware, neither the Department of State nor the Superior Court for the State of California has the authority to enforce the order of November 18 regarding the custody of John Victor Stoen in the country of Guyana. Under many foreign laws there are provisions for proving foreign judgments, although, unfortunately custody orders are usually excluded from this procedure. Child custody orders issued in the United States are normally not accepted for enforcement in another country on the basis of comity. The question of John Victor Stoen's custody will almost certainly be decided by the Guyanese court, after hearing all relevent evidence, on the basis of Guyanese law. The California court order undoubtedly will be given evidentiary weight in the custody hearing, although by no means will it be binding on that court.

Joseph Freitas, Jr., Esquire,
District Attorney
880 Bryant Street
San Francisco, California 94103

A copy of this correspondence is being forwarded to the American Consul in Georgetown for his information. I trust that this will be helpful to you. Further information regarding child custody may be obtained from Miss Elizabeth Powers of this office on 202-632-3015.

Sincerely yours,

Steven A. Dobrenchuk
Chief
Emergency and Protection
Services Division

CC(with incoming) Mr. Richard McCoy, Georgetown
ARA/CAR - Mr. Frank Tuminia

CA:SCS:EAPowers:gjl:wp
12-9-77

DISTRICT ATTORNEY

SEPH FREITAS, JR.
DISTRICT ATTORNEY

DANIEL H. WEINSTEIN
CHIEF ASSISTANT
DISTRICT ATTORNEY

SAN FRANCISCO

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

November 25, 1977

Hon. Cyrus Vance
Secretary of State
State Department Building
Washington, D.C.

Re: Request for Assistance in Enforcement of Court Order Against Rev. Jim Jones in Guyana

Dear Sir:

On November 18, 1977, the Superior Court of the State of California ordered our office to "take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order." Paragraph 4 of the order (a copy attached) states:

> "It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative."

According to our information, the underlying facts are that Rev. Jim Jones, a United States citizen, is living in Guyana, South America, where he is exercising physical custody over John Victor Stoen, a 5-year old child who is also a United States citizen. Rev. Jones has refused to deliver the child to his legal parents, each of whom testified before the court and joined the request for the order issued. Our office is representing the court pursuant to Section 4700(c) of the California Civil Code.

(5)

We are respectfully asking you to use whatever influence you have to help us obtain Rev. Jones' compliance with the aforesaid order. If we cannot obtain Rev. Jones' compliance in this manner, it will be our duty pursuant to Section 5160 of the California Civil Code to apply to the court for a warrant of arrest against Rev. Jones.

We will be most grateful for whatever you can do to help. Time may be of the essence. Please let our office know if you need further information.

Thank you very much indeed.

Very truly yours,

JOSEPH FREITAS, JR.

Enc. Superior Court Order
dated November 18, 1977

JEFFREY A. HAAS ARA 3PT
Attorney at Law
3609 Sacramento Street
San Francisco, CA 94118
(415) 922-6200

MARGARET RYAN
Attorney at Law
294 Page Street
San Francisco, CA 94102
(415) 626-0979

Attorneys for Petitioner

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D. FLAHA
FILED
NOV 18 1977
CARL E. OLSEN, Clerk

SUPERIOR COURT FOR THE STATE OF CALIFORNIA

IN THE CITY AND COUNTY OF SAN FRANCISCO

In re the marriage of	No. 719-147
Petitioner: GRACE LUCY STOEN	ORDER RE CHILD CUSTODY
and	
Respondent: TIMOTHY O. STOEN	

The matter of the order to show cause re the custody of the minor child JOHN VICTOR STOEN, born January 25, 1972 came on regularly for hearing on November 18, 1977 in Department 13 of the above entitled court. Petitioner GRACE LUCY STOEN was present personally and through her attorneys of record, Jeffrey Haas and Margaret Ryan. Respondent TIMOTHY O. STOEN appeared in pro per. There was no appearance by Claimant JIM JONES.

GOOD CAUSE APPEARING, the court made the following finding and orders:

1. Based upon the declarations on file it is found that

Claimant Reverend Jim Jones had actual notice of the pendency of the proceedings, of his joinder, of this court's order directing him to appear and of the instant hearing.

2. It is also found that contrary to the order of this court that Reverend Jim Jones failed to appear before this court on November 18, 1977 at 9:00 AM.

3. Based on testimony offered at the hearing of November 18, 1977 and a written stipulation filed therein, the court finds and orders that it is in the best interest of the minor child, JOHN VICTOR STOEN that his physical custody, care and control be awarded to Petitioner GRACE LUCY STOEN, his natural mother. Reasonable visitation will be reserved to Respondent TIMOTHY O. STOEN. Petitioner and Respondent will share joint legal custody. This court hereby fully incorporates by reference the stipulation between the parties signed on November 18, 1977 and the order arising therefrom.

4. It is ordered that Reverend Jim Jones will immediately deliver the minor, JOHN VICTOR STOEN, to the Petitioner, GRACE LUCY STOEN, or to her authorized representative.

5. It is ordered that pursuant to Section 4604 of the California Civil Code, the District Attorney of the City and County of San Francisco shall take all actions necessary to locate Reverend Jim Jones and to secure Reverend Jim Jones' compliance with this order.

6. It is further ordered that Petitioner is granted leave to institute contempt proceedings against the Reverend Jim Jones.

7. Based on testimony offered at the hearing on November 18 1977 by both Petitioner and Respondent and notarized documents

RYAN FOX

provided to and filed with the court, the court finds and orders that all previous statements signed by either Petitioner or Respondent or both authorizing one JOYCE TOUCHETTE, JIM JONES, c any other person to act as guardian of said minor child is heret declared null and void.

ORDERED this 18th day of November, 1977 and signed the 18th day of November, 1977.

JUDGE OF THE SUPERIOR COURT